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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/647,962

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Martin Lund

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EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

09/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/647,962 | <b>Applicant(s)</b><br>LUND ET AL. |  |
|                              | <b>Examiner</b><br>Hanh Nguyen       | <b>Art Unit</b><br>2616            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 6/25/08 have been fully considered but they are not persuasive.

In the Remark, Applicant argues the combination of Petty and Bottom et al., especially Bottom et al. does not disclose negotiating a data rate for transfer of data between said first blade server and at least said second blade server.

It is noted that in Bottom et al., fig.1A, col.3, lines 45-55; a server 100 supports up to 2 switch blades 120. The switch blades 120 have 20 10/100Base-T auto-negotiation ports. It is well-known in the art that by having 10/100Base-T auto-negotiation in the switch blades 120, the switch blades 120 are able to negotiate data rates between 10Mbps and 100Mbps to transfer to another switch blade 120. Examiner believes that at least Bottom et al. disclose negotiating a data rate for transfer of data between blade servers. Further, by combining the teaching of Bottom into Petty, it would have been obvious to determine if the packet received at the first blade server at a first rate need to be negotiated before transferring the packet to a second blade server at a second data rate.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 USC 103(a) as being unpatentable over Petty et al. (US Pat. 7,188,209 B2) in view of Bottom et al. (US Pat. 7,339,786 B2)..

In Claims 1, 11, 21, Petty et al. discloses a server platform (see fig.1, a multiserver system 100) comprising a plurality of blade servers 102, 104 and 106 (col.8, lines 44-46; a first blade server and a second blade server) connected to an ethernet network 128, fibre channel network 130 and other networks such as infiniband network 132 (see fig.1; col.9, lines 45-55 & col.10, lines 5-10). Each server comprises a root complex 108 used as a transmitter to send data to other servers through networks (see col.10, lines 20-30). Refer to fig.19, a share switch 1910 receives packet A from root complex 1902 (col.26, lines 5-10; receiving from a first blade server a first packet). Switch 1910 uses information in the packet A, performs a table lookup to determine which of the target downstream controllers 1912, 1914 or 1916 the packet A is transmitted to (see col.26, lines 10-15; determining whether one or both of at least a second blade server of said plurality of blade servers and a network is to receive said at least first packet); and transferring data responsive to said received at least said first packet to one or both of said determined at least said second blade server at a negotiated rate (see col.26, lines 20-26; switch 1910 routes packet A to controller 1912) and said determined network at a second data rate (to ethernet network 1920).

Petty et al. does not disclose negotiating a data rate for transfer of data between said first blade server and at least said second blade server. Bottom et al. discloses in fig.1A, col.3, lines 45-55; a modular server system 100 (a server platform) comprising

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switch blades 120 ( switch blade). The switch blades 120 are capable of 10/100 base-T auto-negotiating between ports ( rate negotiating from first rate to second rate and vice versa between said first blade server and said second blade server ). Further, the switch blade 120 also performs network switching between server blades ( see col.8, lines 30-38).

With the teachings of Bottom above, it would have been obvious to use the switch blade 120 with 10/100 Base-T auto-negotiation capability into Pettey so that the packet transmission between blade servers can be negotiated accordingly and prevent congestion.

\*In claims 2, 3, 12, 13, 22 and 23, Petty et al. discloses transferring at least a second packet comprising at least a portion of said at least said first received packet to said second blade server via a common bus at said negotiated data rate (see col.26, lines 22-27; transmitting packet B to Fibre channel controller 1914 at negotiated data rate).

\*In claims 4, 5, 14, 15, 24 and 25, Petty et al. discloses receiving a third packet from the network at a second data rate (see col.26, lines 5-25, from root complex 1902, packet C is transmitted to switch 1910 for delivered to infiniband controller 1916).

\*In claims 6, 7, 16, 17, 26 and 27, Petty et al. disclose transferring data responsive to the third packet to the third blade server at a newly negotiated data rate ( transmitting packet G from infiniband 1916; col.26, lines 60-65).

\*In claims 8, 18, 28, Petty discloses transferring a fourth packet to said network via a network interface at a second data rate ( see col.26, lines 5-27; transmitting packed C from root complex 1902 via switch 1910 to infiniband network 1924)

\*In claims 9, 10, 19, 20, 29 and 30, Petty et al. discloses broadcasting a plurality of packets over the network at a second data rate ( transmitting packets A, G from root complex 1902 and 1916 to ethernet 1920). See fig.19.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Primary Examiner, Art Unit 2616